

Effective 5/7/2025

76-5b-204 Sexual extortion -- Penalties.

(1)

(a) As used in this section:

- (i) "Adult" means an individual 18 years old or older.
- (ii) "Child" means any individual under 18 years old.
- (iii) "Counterfeit intimate image" means the same as that term is defined in Section 76-5b-205.
- (iv) "Intimate image" means the same as that term is defined in Section 76-5b-203.
- (v) "Position of special trust" means the same as that term is defined in Section 76-5-404.1.
- (vi) "Sexually explicit conduct" means the same as that term is defined in Section 76-5b-203.
- (vii) "Simulated sexually explicit conduct" means the same as that term is defined in Section 76-5b-203.

(b) Terms defined in Section 76-1-101.5 apply to this section.

(2)

(a) An actor commits the offense of sexual extortion if the actor:

- (i) with an intent to coerce a victim to engage in sexual contact, in sexually explicit conduct, or in simulated sexually explicit conduct, or to produce, provide, or distribute an image, video, or other recording of any individual naked or engaged in sexually explicit conduct, communicates by any means a threat:
 - (A) to the victim's person, property, or reputation; or
 - (B) to distribute an intimate image, counterfeit intimate image, or video of the victim;
- (ii) knowingly causes a victim to engage in sexual contact, in sexually explicit conduct, or in simulated sexually explicit conduct, or to produce, provide, or distribute any image, video, or other recording of any individual naked or engaged in sexually explicit conduct by means of a threat:
 - (A) to the victim's person, property, or reputation; or
 - (B) to distribute an intimate image, counterfeit intimate image, or video of the victim; or
- (iii) with intent to obtain a thing of value from a victim communicates, by any means, a threat to distribute an intimate image, counterfeit intimate image, or video of the victim.

(b) An actor commits aggravated sexual extortion when, in conjunction with the offense described in Subsection (2)(a), any of the following circumstances have been charged and admitted or found true in the action for the offense:

- (i) the victim is a child or vulnerable adult;
- (ii) the offense was committed by the use of a dangerous weapon or by violence, intimidation, menace, fraud, or threat of physical harm, or was committed during the course of a kidnapping;
- (iii) the victim suffered bodily injury or severe psychological injury during, or as a result of, the offense;
- (iv) the actor was a stranger to the victim, or became a friend of the victim, for the purpose of committing the offense;
- (v) the actor, before sentencing for the offense, was previously convicted of any sexual offense;
- (vi) the actor occupied a position of special trust in relation to the victim;
- (vii) the actor encouraged, aided, allowed, or benefitted from acts of prostitution or sexual acts by the victim with any other individual, or sexual performance by the victim before any other individual, human trafficking, or human smuggling; or
- (viii) the actor caused the penetration, however slight, of the genital or anal opening of the victim by any part or parts of the human body, or by any other object.

(3)

- (a) If the actor is an adult:
 - (i) a violation of Subsection (2)(a) is a third degree felony;
 - (ii) a violation of Subsection (2)(b)(i), (ii), (iv), (v), (vi), (vii), or (viii) in which the victim is an adult is a second degree felony;
 - (iii) a violation of Subsection (2)(b)(iii) in which the victim is an adult is a first degree felony; or
 - (iv) a violation of Subsection (2)(b) in which the victim is a child or a vulnerable adult is a first degree felony.
- (b) If the actor is a child:
 - (i) a violation of Subsection (2)(a) is a class A misdemeanor; or
 - (ii) a violation of Subsection (2)(b) is a third degree felony if there is more than a two-year age gap between the actor and the victim.
- (c) An actor commits a separate offense under this section:
 - (i) for each victim the actor subjects to the offense outlined in Subsection (2)(a); and
 - (ii) for each separate time the actor subjects a victim to the offense outlined Subsection (2)(a).
- (d) This section does not preclude an actor from being charged and convicted of a separate criminal act if the actor commits the separate criminal act while the individual violates or attempts to violate this section.

(4) An interactive computer service, as defined in 47 U.S.C. Sec. 230, is not subject to liability under this section related to content provided by a user of the interactive computer service.

Amended by Chapter 178, 2025 General Session